

March 19, 2010

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
March 19, 2010

I. OPENING OF MEETING AT 11:05 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Jan Oncken, Roneta Taylor (by telephone), Bill Lipsmire (by telephone), and Mark Magill (by telephone), Illinois Department of Central Management Services; Elton Arrindell (by telephone), Illinois Department on Aging; David Eldridge, Cory Foster and Jesse Montgomery, Illinois Department of Corrections; Mark Ostrowski and Patricia Lowe, Illinois Gaming Board; and Anne McElroy, Administrative & Regulatory Shared Services Center.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 19, 2010

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 19, 2010.

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging	144.....	9
Agriculture	431.....	16
Arts Council	19.....	2
Capitol Development Board	45.....	0
Central Management Services	1,431.....	116
Children and Family Services	3,034.....	48
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	423.....	69
Commerce Commission	71.....	0
Corrections	11,340.....	104
Criminal Justice Authority	59.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	96.....	6
Employment Security.....	1,962.....	28
Environmental Protection Agency	935.....	17
Financial & Professional Regulation	498.....	41
Gaming Board.....	82.....	7
Guardianship and Advocacy	112.....	7
Healthcare and Family Services.....	2,317.....	26
Historic Preservation Agency	199.....	11
Human Rights Commission	14.....	2
Human Rights Department	148.....	9
Human Services	13,667.....	75
Insurance.....	231.....	9
Investment Board.....	3.....	1
Juvenile Justice	1,241.....	20
Labor.....	81.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Medical District Commission	2.....	0
Military Affairs	122.....	3
Natural Resources	1,286.....	24
Pollution Control Board.....	20.....	1
Prisoner Review Board	20.....	0
Property Tax Appeal Board	21.....	1
Public Health.....	1,092.....	43
Racing Board	3.....	0
Revenue	2,044.....	61
State Fire Marshal	140.....	12
State Police	1,339.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems	84.....	2
Transportation.....	4,136.....	0
Veterans' Affairs.....	1,189.....	7
Workers' Compensation Commission	173.....	8
TOTALS	50,327.....	811

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 - 1. The Governor, or
 - 2. A departmental director or assistant director appointed by the Governor, or
 - 3. A board or commission appointed by the Governor, or
 - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.

- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
 - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

* * *

C. Requests for 4d(3) Exemption and Proposed Rescissions

- As to Item C, Executive Director Stralka reported that this request is for the Public Safety Officer Liaison at the Department of Corrections and was continued from last month. The Department of Corrections submitted a new position description and the position now reports to the Director.

This position has principal policy responsibility for the Policy and Directive Program of the agency. This program is responsible for researching, developing, and maintaining all internal policies, procedures, rules, and administrative directives of the agency. These rules and administrative directives go to every program and function of the agency. It is an attorney position, only the second one the agency is requesting a principal policy exemption for. The clarification of the position description changed this position's reporting responsibility as well as its programmatic scope. Its initial position description was limited to meritorious good time and electronic detention programs. For these reasons, Staff recommended approval of this request.

David Eldridge, Chief of Staff for Department of Corrections, added that the position plays an important role in the rulemaking function of the agency. Chairman Kolker asked if this is the equivalent of a policy function. David Eldridge responded that the position is involved in the Meritorious Good Time program as well as functioning as a liaison to the Governor's Office. Chairman Kolker questioned whether this program limitation is adequate to support a principal policy exemption. Cory Foster, Senior Policy Advisor, clarified the agency's response by noting that the position's rulemaking responsibilities are not limited by program but extend to all the agency's programs.

- As to Item D1, Executive Director Stralka reported that this request is for the Statewide Supervisor of Adult Transitional Centers, a position that reports to the Chief of Parole who reports to the Director of the Department of Corrections. This position is not only responsible for the six Adult Transitional Centers but also oversees half of the Northern Parole Region. Several months ago, the agency abolished three 4d(3) exempt positions in Parole. It has since determined that an additional 4d(3) exempt position is needed to maintain adequate program control. As these functions had previously served to justify principal policy exemption for the abolished positions, Staff recommended approval of this request. Staff did have concerns that the agency may seek to reinstate other previously abolished positions, but the agency indicated it has no such plans at this time. The agency representatives concurred, but noted that as Department of Corrections continues to reorganize that it may return to the Commission seeking principal policy exemption for positions in the future. Chairman Kolker encouraged the agency to work with Commission Staff early on in this process to identify any problematic positions. As to this request, Jesse Montgomery noted for the Commission that the Parole Division itself has 470 employees monitoring 33,000 parolees and referred to this program as an agency unto itself.
- The agency withdrew Item D2 prior to the meeting.

- As to Item E, Executive Director Stralka reported that this request is for the Division Manager of the Circuit Breaker/Pharmaceutical Assistance program for the Department on Aging, a position that reports to the Deputy Director who in turn reports to the Director. This position has principal policy responsibility for the overall management of the statutory Circuit Breaker program which provides property tax relief and pharmaceutical assistance to over 325,000 applicants each year. This program was transferred to the Department on Aging five years ago. For these reasons, Staff recommended approval of this request. Elton Arrindell, Executive Assistant to the Director, concurred with Staff’s presentation.
- As to Item F, this request is for the Bureau Chief of Operations for the Illinois Emergency Management Agency, a position that reports to the Director. It has principal policy responsibility for managing the statewide emergency communications system. It directs the State Emergency Operations Center and Telecommunications Center. These programs are central to the core mission of the agency. For these reasons, Staff recommended approval of this request.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption requests were granted on March 19, 2010:

C. Illinois Department of Corrections

Position Number	40070-29-00-000-01-03 ¹
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Public Safety Officer Liaison
Incumbent	Vacant
Supervisor	Director
Location	Cook County

D1. Illinois Department of Corrections

Position Number	40070-29-05-150-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Parole
Functional Title	Statewide Supervisor of Adult Transitional Centers
Incumbent	Vacant
Supervisor	Chief of Parole who reports to the Assistant Director who in turn reports to the Director
Location	Cook County

¹ The Commission was notified on March 3, 2010 that effective February 16, 2010 the position number for the Public Safety Officer Liaison was changed from 40070-29-00-200-10-01 to 40070-29-00-000-01-03.

E. Illinois Department on Aging

Position Number	40070-47-70-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Circuit Breaker/Pharmaceutical Assistance
Functional Title	Manager
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Sangamon County

F. Illinois Department of Emergency Management Agency

Position Number	40070-50-17-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Operations
Functional Title	Chief of Operations
Incumbent	James Watts
Supervisor	Director
Location	Sangamon County

V. CLASS SPECIFICATIONS

The following class titles were submitted for creation by the Director of Central Management Services:

Position Titles:

Gaming Special Agent

Gaming Senior Special Agent

Gaming Special Agent Trainee

Staff Analysis: Assistant Executive Director Barris questioned the composition of the proposed new classes in that there were three candidates in the Gaming Special Agent Trainee class, four candidates projected for the Gaming Special Agent class, and 24 candidates for Gaming Senior Special Agent classes. In sum, that might mean there would be 24 supervisors for only seven subordinate positions. Bill Lipsmire from Central Management Services explained that Article 19 of the AFSCME Master Contract provided for advancement over time from the original positions of the Revenue Senior Special Agents – the classes from which the candidates were coming. Due to the fact that the agency wanted to fill these positions immediately through direct entry of qualified candidates and also adhere to the AFSCME collective bargaining agreement, the new class specifications were created in the same manner and composition as the Revenue Special Agent, Senior Special Agent, and Special Agent Trainee classes. Mark Magill from Central Management Services noted that a team leader is not the equivalent of a supervisor so that an employee may actually “lead” another with the same position title

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and that is acceptable. Chairmen Kolker asked if the positions had been funded. Mark Ostrowski, Executive Director of the Gaming Board, indicated that these were non-GRF funded positions. Commissioner Peterson asked about the duties of the position and the programs goals. Mark Ostrowski provided a brief history of the creation of the Gaming Board and its regulatory responsibilities. This included noting that its staff consists of both former Department of Revenue employees as well as current employees of the Illinois State Police. This is significant since it requires the Gaming Board to operate under two separate collective bargaining agreements. Ostrowski further explained that there were approximately 13,000 entities with liquor licenses at issue with nine different categories of applicants and the goal of the new Video Gaming Program was to create a centralized, specific system of control and tracking of video gaming in the establishments that participated. The Gaming Board needs qualified employees to carry out these functions, but the existing position titles available were insufficient to accomplish this purpose which necessitated the creation of these new titles. Ostrowski also explained that the proposed classes would additionally allow for the direct entry of candidates from the Illinois State Police in addition to new candidates. The unions agreed to the proposed new classes.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE APRIL 1, 2010:

Gaming Special Agent

Gaming Senior Special Agent

Gaming Special Agent Trainee

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

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VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 N. LaSalle Street, Suite S-901, Chicago, Illinois at 11:48 a.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director (by telephone).

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	1/31/10	2/28/10	2/28/09
Aging	1	1	0
Agriculture	1	0	0
Central Management Services	0	0	1
Children and Family Services	5	4	4
Commerce and Economic Opportunity	2	0	0
Criminal Justice Authority	0	0	1
Employment Security	4	3	3
Healthcare and Family Services	3	2	5
Historic Preservation Agency	1	1	0
Natural Resources	6	2	1
State Police	0	0	0
Transportation	21	21	17
Workers' Compensation Commission	0	0	1
Totals	44	34	33

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IX. REMANDED APPEAL OF BENNIE WILLIAMS, JR.²

DA-54-08

Employee	Bennie Williams, Jr.	Appeal Date	06/16/08
Agency	DOT	Decision Date	12/05/08
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Threat of violence in the workplace; disruptive conduct	Court Decision on Remand	Charges are partially proven and warrant discipline other than discharge.

THIS MATTER HAVING BEEN REMANDED BACK TO THE CIVIL SERVICE COMMISSION BY ORDER FROM THE CIRCUIT COURT OF COOK COUNTY DATED MARCH 4, 2010 FOR THE COMMISSION TO IMPOSE AN APPROPRIATE DISCIPLINE OTHER THAN DISCHARGE, AND HAVING READ THE COURT DECISION AND RECONSIDERED THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE DATED DECEMBER 5, 2008, IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0, THE MOTION AFFIRMED AND ADOPTED THAT THE PARTIALLY PROVEN CHARGES WARRANT A 90-DAY SUSPENSION AS AN APPROPRIATE DISCIPLINE LESS THAN DISCHARGE SO AS TO BE IN COMPLIANCE WITH THE CIRCUIT COURT'S ORDER.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

• **DISCHARGE**

DA-31-09

Employee	David Kurfman	Appeal Date	02/25/09
Agency	DHS	Decision Date	03/05/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences; insubordination; conduct unbecoming	Recommended Decision	Charges are partially proven and warrant discharge.

² Discharge was upheld by the Commission on December 18, 2008. On Administrative Review (09 L 50046), the Circuit Court remanded the case to the Commission for imposition of appropriate discipline other than discharge.

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IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE RECOMMENDED DECISION DATED MARCH 5, 2010.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

• **DISCHARGE**

DA-19-10

Employee	Kristen M. Pool	Appeal Date	11/16/09
Agency	DHS	Decision Date	03/05/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Submitting a false or altered physician's statement; unauthorized absences	Recommended Decision	Charges are partially proven and warrant 60-day suspension.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN AND WARRANT 60-DAY SUSPENSION IN LIEU OF DISCHARGE FOR THE REASONS SET FORTH IN THE RECOMMENDED DECISION DATED MARCH 5, 2010.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XI. **PROPOSED REVISIONS TO CIVIL SERVICE COMMISSION RULES**

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0, THE MOTION ADOPTED TO RATIFY THE REVISIONS TO THE CIVIL SERVICE COMMISSION RULES AS APPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES AS ATTACHED.

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XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The fiscal year 2011 House appropriation hearing is currently scheduled for March 22 and the Senate appropriation hearing for March 23.
- Field work for the biannual compliance audit ending June 30, 2009 was completed on March 1.
- Beckie Daniken completed the required fiscal year 2010 Freedom of Information Act on-line training provided by the office of the Attorney General.
- Appeals for the year are running significantly higher than last year. The Commission has received 46 appeals to date this fiscal year compared to 51 for all of last year.
- Commissioners were requested to submit their completed Statements of Economic Interest to him prior to filing so he could complete his required review as mandated by the Ethics Act. They will all then be filed with the Secretary of State.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, April 16, 2010 in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:57 A.M.